

Senate Bill No. 509

Passed the Senate August 29, 1996

Secretary of the Senate

Passed the Assembly August 21, 1996

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1996, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 4320 and 4330 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, Calderon. Spousal support.

Under existing law, in a judgment of dissolution of marriage or legal separation of the parties, the court is authorized to order a party to pay spousal support, as the court determines is just and reasonable, based on the standard of living established during the marriage and taking into consideration specified circumstances.

This bill would require the court to consider additional specified circumstances in ordering spousal support, including the goal that the supported party shall be self-supporting within a reasonable period of time, as provided. The bill would also require a court to give the parties a specified admonition regarding these provisions when making an order for spousal support, except as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 4320 of the Family Code is amended to read:

4320. In ordering spousal support under this part, the court shall consider all of the following circumstances:

(a) The extent to which the earning capacity of each party is sufficient to maintain the standard of living established during the marriage, taking into account all of the following:

(1) The marketable skills of the supported party; the job market for those skills; the time and expenses required for the supported party to acquire the appropriate education or training to develop those skills; and the possible need for retraining or education to acquire other, more marketable skills or employment.



(2) The extent to which the supported party's present or future earning capacity is impaired by periods of unemployment that were incurred during the marriage to permit the supported party to devote time to domestic duties.

(b) The extent to which the supported party contributed to the attainment of an education, training, a career position, or a license by the supporting party.

(c) The ability to pay of the supporting party, taking into account the supporting party's earning capacity, earned and unearned income, assets, and standard of living.

(d) The needs of each party based on the standard of living established during the marriage.

(e) The obligations and assets, including the separate property, of each party.

(f) The duration of the marriage.

(g) The ability of the supported party to engage in gainful employment without unduly interfering with the interests of dependent children in the custody of the party.

(h) The age and health of the parties.

(i) The immediate and specific tax consequences to each party.

(j) The balance of the hardships to each party.

(k) The goal that the supported party shall be self-supporting within a reasonable period of time. A "reasonable period of time" for purposes of this section generally shall be one-half the length of the marriage. However, nothing in this section is intended to limit the court's discretion to order support for a greater or lesser length of time, based on any of the other factors listed in this section and the circumstances of the parties.

(l) Any other factors the court determines are just and equitable.

SEC. 2. Section 4330 of the Family Code is amended to read:

4330. (a) In a judgment of dissolution of marriage or legal separation of the parties, the court may order a party to pay for the support of the other party an amount, for

a period of time, that the court determines is just and reasonable, based on the standard of living established during the marriage, taking into consideration the circumstances as provided in Chapter 2 (commencing with Section 4320).

(b) When making an order for spousal support, whether the order is for a specific amount or simply a reservation of jurisdiction, and except in the limited number of cases where the court determines that a party is unable to make such efforts, the court shall give the parties the following admonition:

“It is the goal of this state that each party shall make reasonable good faith efforts to become self-supporting as provided for in Section 4320. The failure to make reasonable good faith efforts, may be one of the factors considered by the court as a basis for modifying or terminating support.”



Approved _____, 1996

Governor

